

TOWN OF NORTH HEMPSTEAD COMMUNITY DEVELOPMENT AGENCY

Minutes of

REGULAR MEETING

October 24, 2012

7:30 PM

Call to Order

Mr. Bailey, Chairman of the Agency, called the meeting to order at 8:12 p.m.

Attendance

Members of the Agency (the “Members”) in attendance were:

Lamont R. Bailey

Jeffrey M. Greilsheimer

Howard Weitzman

Rodney A. Caines

Agency staff present consisted of:

Dermot F. Kelly, Executive Director

Joseph Santamaria, Assistant Director/Project Manager

Patrice P. Allen, Administrative Assistant

Peter Dzwilewski, In-house Counsel

Minutes of Meeting Held on September 12, 2012

Upon the motion of Mr. Weitzman, seconded by Mr. Greilsheimer, the minutes of the meeting held on September 12, 2012, were accepted.

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Executive Director's Report

The Executive Director's Report consisted of the following:

Christopher Gioia has resigned from the Board; Mr Weitzman would like to submit to Mr. Gioia a Certificate of Accommodation.

Operations:

Copies of the Chart of Accounts Balance from the County Office of Community Development (the "OCD"), and monthly Bank Statements were given to the Members for review.

(The "Agency")'s current Chart of Accounts Balance as per (the "OCD"), as of 10/4/12 is \$1,448,300.46.

Cash Balances:

- Citibank –Lump Sum Account - \$565,702
- State Bank of Long Island - Program Income Account - \$916,762
- Citibank –Escrow Account - \$7,060

New Cassel Urban Renewal Plan

Site A - The Board of Zoning and Appeals ("BZA") requested minor changes to the Master Plan that will assist with zoning for traffic study and architectural design has been amended, and should be approved at their October Meeting.

Paradise Cove Restaurant received the ("BZA") approval for food use as they continue the process of completing their build out. The restaurant is still pending approval from the Fire Marshall.

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Site B— The Supermarket - Tony and Eddie's purchased the condominium unit and received approval for the build out plans. The permits necessary for the build out have been issued and the build out has commenced. The build out is estimated to be complete by November 2012.

The Bank of New York Mellon ("BONYM") is still seeking a purchaser for the remaining 6,000 sq. ft. of retail space. (The "Agency") is working with existing business in New Cassel that desire to expand and may be interested in acquiring the space from ("BONYM").

Site C - No change in this site's status. ("BONYM") is still seeking a purchaser for the remaining 3,800 sq. ft. of commercial space.

Site D - NO CHANGE - (The "Agency")'s outside Counsel, Mark Cuthbertson, has exchanged correspondence with Eric Reuben ("BONYM")'s Attorney over the last few weeks regarding the execution of the amended Land Disposition Agreement that (the "Agency") approved and forwarded to ("BONYM") in August of 2011. The ("BONYM") requested several changes that Mr. Cuthbertson will negotiate on behalf of (the "Agency"). (The "Agency") will continue to seek the remedies available to encourage all parties concerned to complete this project.

Site E – (The "Agency") closed with Conifer in early August. Site work has commenced and is on schedule, will continue to monitor the project.

Site H – This property is completely sold and occupied.

Site I – The Proposer has identified the Construction Lender and provided a satisfactory term sheet. (The "Agency") is working with the Development team on the construction costs and the schedule as it pertains to the public subsidies. (The "Agency")'s staff hope to have these outstanding items resolved within the week and submit a package to Bowne for review next week. (The "Agency")'s Staff predict to have a proposal for the (The "Agency") Board's approval at the November Meeting.

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Site M – HUD’s determination confirmed that commercial property could not be condemn for a mixed-use or commercial use. (The “Agency”) made voluntary purchase offers to both owners of 983 and 985 Prospect.

(The “Agency”) completed appraisals on both properties (983 & 985 Prospect). The owners of both properties have had appraisals completed that value their properties much higher than (The “Agency”)’s appraised values.

Standard Valuation Services (“SVS”) reviewed the appraisals for (the “Agency”) and determined that the appraisal valuing the property located at 985 Prospect completed by Haberman Associates, Inc. (“Haberman”) for (the “Agency”) was accurate although they valued the land at less and gave the building value. The property owner did not send (the “Agency”) a copy of the appraisal completed by JDP Posillico Appraisal and Real Estate, Inc. (“JDP”) and therefore never reviewed by (“SVS”).

(“Haberman”) completed the appraisal for (the “Agency”) and valued the property of 983 Prospect Avenue at \$500,000. (“SVS”) reviewed the appraisal performed by (“Haberman”) taking the more recent comparable transactions in the area and determined an increase in value to \$640,000 to \$680,000. The appraisal completed by (“JDP”) for the property owners valued the property at \$1,150,000. The review of the (“JDP”) appraisal by (“SVS”) determined that an unlicensed appraiser prepared it. The appraisal inadequately documented, based upon old data, improper or unsupported valuation procedures, and it grossly overstated the market value of the subject property and in many areas in violation of Uniform Standards of Professional Appraisal Practice (“USPAP”). (The “Agency”) has confirmed that condemnation cannot take place on commercial property for a mixed-use or commercial use. (The “Agency”) has made voluntary purchase offers to both the owners of 983 and 985 Prospect Avenue. The owner of 985 Prospect Avenue has indicated that they have decided not to sell now. The owner of 983 Prospect is open to selling within the price range (“SVS”) has valued the property. (The “Agency”) will continue discussions with the owner of 983 Prospect.

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Upon the motion of Mr. Weitzman, duly seconded by the Board, the Executive Director's Report, to the extent of the Members' knowledge of the events referred to, was accepted and approved unanimously.

For Consideration

RESOLUTION NO. 23 (2012)

A RESOLUTION ADOPTING AN EMPLOYEE POLICY MANUAL FOR THE AGENCY.

WHEREAS, the Town of North Hempstead Community Development Agency (the "Agency") has been informed by its auditing firm, Bollam, Sheedy, Torani & Co., LLP, that the Agency must draft and deliver to each employee thereof an employee policy manual; and

WHEREAS, in an effort to develop uniformity of employee policies with the Town of North Hempstead, Agency staff has drafted an employee policy manual consisting of the Town's Employee Policy Manual, as modified by an addendum making it Agency-specific (the "Agency Employee Policy Manual"); and

WHEREAS, Agency staff has recommended that the members of the Agency (the "Members") adopt the Agency Employee Policy Manual.

NOW, THEREFORE, BE IT

RESOLVED, that the Members hereby adopt the Agency Employee Policy Manual; and it is further

RESOLVED, that the Executive Director of the Agency and any officer thereof are hereby authorized to execute such instruments and documents and to take such other action as may be necessary to carry out the foregoing.

Upon the motion of Mr. Caines, seconded by Mr. Weitzman the resolution was unanimously adopted.

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RESOLUTION NO. 24 (2012)

A RESOLUTION AUTHORIZING EXECUTION OF A MEMORANDUM OF AGREEMENT WITH CIVIL SERVICE EMPLOYEES ASSOCIATION, INC., LOCAL 1000, AFSCME, AFL/CIO/REGION 1, NASSAU: MUNICIPAL EMPLOYEES #882, TOWN OF NORTH HEMPSTEAD UNIT #7202.

WHEREAS, the Town of North Hempstead Community Development Agency (the “Agency”) and Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL/CIO/Region 1, Nassau: Municipal Employees #882, Town of North Hempstead Unit #7202 (the “CSEA”) are parties to a collective bargaining agreement expiring on December 31, 2012; and

WHEREAS, negotiators for the Agency and the CSEA have agreed upon the terms of a certain memorandum of agreement which sets forth the terms of a successor agreement for the period January 1, 2013 through December 31, 2016, a copy of which is attached to this resolution (the “MOA”); and

WHEREAS, the MOA provides that it is subject to the ratification by the members of the Agency (the “Members”)

WHEREAS, the Executive Director of the Agency (the “Executive Director”) has recommended that the MOA be ratified by the Members.

NOW, THEREFORE, BE IT

RESOLVED, that the Members hereby ratify the MOA; and it is further

RESOLVED, that the Executive Director and any officer thereof are hereby authorized to execute such instruments and documents and to take such other action as may be necessary to carry out the foregoing.

Upon the motion of Mr. Caines, seconded by Mr. _____, the resolution was unanimously adopted

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RESOLUTION NO. 25 (2012)

A RESOLUTION APPROVING A BUDGET FOR THE 2013 FISCAL YEAR.

WHEREAS, the Town of North Hempstead (the “Town”) Community Development Agency (the “Agency”) is required under the Public Authorities Accountability Act of 2005, as amended by the Public Authorities Reform Act of 2009, to adopt and approve a budget sixty (60) days before its fiscal year; and

WHEREAS, Agency staff recommends that the Members adopt and approve the attached budget for the 2013 fiscal year (the “Staff Recommendation”); and

WHEREAS, the Members wish to authorize and adopt the Staff Recommendation.

NOW THEREFORE, BE IT

RESOLVED, that the Members hereby authorize and adopt the Staff Recommendation; and be it further

RESOLVED, that the Executive Director of the Agency and any officer thereof are hereby authorized to execute such instruments and documents and to take such other action as may be necessary to carry out the foregoing.

Upon the motion of Mr. Weitzman, seconded by Mr .Caines resolution was unanimously adopted

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RESOLUTION NO. 26 (2012)

A RESOLUTION APPOINTING AN ASSISTANT SECRETARY TO THE BOARD OF THE AGENCY.

WHEREAS, by Assistant Secretary is currently out on medical leave; and the members (the “Members”) of the Town of North Hempstead Community Development Agency (the “Agency”), appointed Patrice P. Allen as Secretary of the Agency; and

WHEREAS, Ms. Patrice P. Allen an employee of the Agency, was present at the September 12, 2012 meeting of the Board of the Agency.

NOW, THEREFORE, BE IT

RESOLVED, that the Members hereby appoint Patrice P. Allen as Assistant Secretary of the Agency and authorize Ms. Allen to certify the Resolutions approved at the September 12, 2012 meeting of the Board of the Agency.

Upon the motion of Mr. _____ seconded by Mr. _____ resolution was unanimously adopted

RESOLUTION NO. 27 (2012)

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH NASSAU COUNTY FOR THE RECEIPT OF COMMUNITY DEVELOPMENT BLOCK GRANT 38th PROGRAM YEAR FUNDS.

WHEREAS, the Secretary of the U.S. Department of Housing and Urban Development (the “Secretary”) is authorized under Title I of the Housing and Community Development Act of 1974, as amended (the “Act”), to make grants to states and other local governments (“CDBG Funds”) to help finance their Community Development Programs; and

WHEREAS, Nassau County (the “County”) and the Town of North Hempstead (the “Town”) previously entered into a Cooperative Agreement, as amended, to participate in Community Development Programs (the “Cooperative Agreement”); and

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WHEREAS, pursuant to the Cooperative Agreement, the County and the Town, acting by and through the Town of North Hempstead Community Development Agency (the “Agency”) agreed to undertake project activities (“Project Activities”) using CDBG Funds under the Act, to be received by the County for the 38th Program Year; and

WHEREAS, the Secretary has approved an application for Community Development Block Grant Funds under the Act, submitted by the County and participating municipalities for the 38th Program Year; and

WHEREAS, the County has allocated CDBG Funds in the amount of Eight Hundred Seventy One Thousand Six Hundred Sixty (\$740,264.00) Dollars to the Town for the 37th Program Year (the “CDBG Allocation”), and has proposed that the County and the Town enter into an agreement for the payment of the CDBG Allocation as consideration for the Agency, as the Town’s representative, undertaking and completing the Project Activities (the “CDBG Subrecipient Agreement”); and

WHEREAS, the members of the Agency (the “Members”) wish to authorize the Agency to enter into the CDBG Subrecipient Agreement.

NOW, THEREFORE, BE IT

RESOLVED, that the Members hereby authorize the Agency to enter into the CDBG Subrecipient Agreement; and it is further

RESOLVED that the Acting Executive Director and any officer of the Agency is hereby authorized to execute the CDBG Subrecipient Agreement, to undertake the Project Activities with the CDBG Allocation and balances from prior year allocations, and to take such other action as may be reasonable and necessary

Upon the motion of Mr. Bailey seconded by Mr. Weitzman resolution was unanimously adopted

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Adjournment

Upon a motion by Mr. Bailey, the members of the Agency, by unanimous vote, adjourned the meeting at 9:00 p.m.